

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

OCT 13 2015

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

LINDSEY KENT SPRINGER,

Defendant.

Case No. 09-CR-043

DECLARATION OF LINDSEY KENT SPRINGER  
IN SUPPORT OF MOTION TO ENJOIN ENFORCEMENT  
OF THE JUDGMENT DATED APRIL 28, 2010

I, Lindsey Kent Springer, declare the following:

1. I am the Defendant in the above captioned case that began on March 10, 2009, in the Court of record known as the United States District Court for the Northern District of Oklahoma ("NDOK").
2. On or about August 7, 2012, the Tulsa World Newspaper reported that the United States Senate had consented to President Obama's nomination of Danny C. Williams, Sr., ("Williams"), to be appointed as the NDOK United States Attorney ("USA"). A True and Correct copy of the Tulsa World Article is attached to this Declaration as Exhibit 1.
3. The Tulsa World Article reported the NDOK had gone more than three years without a United States Attorney due to President Obama and Oklahoma's Two United States Senators being unable to agree on a nominee for the post.

GENERALLY

4. I received from the Executive Office of United States Attorneys ("EOUSA") a letter dated July 23, 2015, responding to my Freedom of Information Act Request ("FOIA") to USA Williams where I sought all records showing:

- a) Thomas Scott Woodward ("Woodward") had been appointed by Attorney General Eric H. Holder, Jr. ("Holder") to the Article II, § 2, Cl. 2 office of Assistant United States Attorney ("AUSA") for the NDOK pursuant to 28 U.S.C. § 542(a), between January 1, 2009 through January 1, 2013;

☒ Mail ☐ No Cert Svc ☐ No Orig Sign  
☐ C/J ☐ C/MJ ☐ C/Ret'd ☐ No Env  
☐ No Cpys ☒ No Env/Cpys ☐ O/J ☐ O/MJ

- b) Woodward held the position to office of First Assistant United States Attorney ("FAUSA") for USA David E. O'Meilie ("O'Meilie") between January 1, 2009 through January 1, 2013, pursuant to 5 U.S.C. § 3345-(a)(1);
- c) Woodward received an appointment from Holder to the NDOK office of USA, pursuant to 28 U.S.C. § 546(a) and (c)(2), between January 1, 2009 through January 1, 2013;
- d) Woodward received a "Notification of Personnel Action" ("NPA") as FAUSA to O'Meilie between October 6, 2005 and October 4, 2009;
- e) Charles A. O'Reilly ("O'Reilly") received an appointment from Attorney General Holder to the office of "Special Assistant United States Attorney" ("SAUSA") for the NDOK, pursuant to 28 U.S.C. § 543(a), between December 1, 2008 through January 1, 2015;
- f) Kenneth P. Snoke ("Snoke") received an appointment from Attorney General Holder to the office of AUSA for the NDOK, pursuant to 28 U.S.C. § 542(a), between January 1, 2008 through January 1, 2011;
- g) Jeffrey A. Gallant ("Gallant") received an appointment from Attorney General Holder to the office of AUSA for the NDOK, pursuant to 28 U.S.C. § 542(a), between January 1, 2010 through January 1, 2015.

A True and Correct Copy of the EOUSA July 23, 2015 response is attached to this Declaration as Exhibit 2.

5. EOUSA initially located an oath signed by Gallant on November 20, 2006, and an oath signed by Woodward on May 25, 2010.

6. I received from EOUSA a letter dated July 29, 2015, supplementing the July 23, 2015 response with a copy of an oath signed by O'Reilly on January 5, 2009. A True and Correct Copy of the EOUSA July 29, 2015 response is attached to this Declaration as Exhibit 3.

7. In an appointment order dated May 24, 2010, United States District Court Judge Claire V. Eagan appointed Woodward as the NDOK USA pursuant to 28 U.S.C. § 546(d). A True and Correct Copy of the May 24, 2010 appointment order is attached to this declaration as Exhibit 4.

8. I received from Tax Division Counsel for FOIA and PA Matters ("TDC/FOIA") a letter dated July 17, 2015 responding to my FOIA request seeking all records

appointing John A. Marrella ("Marrella") to the office of "Deputy Assistant Attorney General of the United States" ("DAAG") between January 1, 2008 through January 1, 2013, responding TDC/FOIA could find no record of Marrella being appointed DAAG. A True and Correct Copy of the TDC/FOIA letter is attached to this Declaration as Exhibit 5.

9. I received a letter from TDC/FOIA dated July 21, 2015 responding to my FOIA request seeking all records pertaining to or showing O'Reilly was appointed to the Article II, § 2, Cl. 2 office of SAUSA between December 1, 2008 through January 1, 2015, responding TDC/FOIA could find no record of O'Reilly ever being appointed SAUSA for the NDOK. A True and Correct Copy of the TDC/FOIA letter dated July 21, 2015, is attached to this Declaration as Exhibit 6.

#### FOIAs ON WOODWARD

10. On October 9, 2013, I requested through FOIA from the Department of Justice FOIA Management Division ("DOJ/FOIA") all instruments of appointment naming Woodward as the NDOK USA between June 1, 2009 through August 2, 2012. A True and Correct Copy of my October 9, 2013 FOIA request is attached to this Declaration as Exhibit 7.

11. I have not received any response from DOJ/FOIA on my October 9, 2013 FOIA request and the time period to respond has long expired (20-days).

12. On October 9, 2013, I requested through FOIA from EOUSA all instruments of appointment naming Woodward as the NDOK USA between June 1, 2009 through August 2, 2012. A True and Correct Copy of my FOIA request to EOUSA is attached to this Declaration as Exhibit 8.

13. I received from EOUSA a response to my October 9, 2013 FOIA request, dated September 17, 2014, where EOUSA only found a May 25, 2010 oath signed by Woodward corresponding with Judge Eagan's May 24, 2010 order of appointment. A True and Correct Copy of EOUSA's letter dated September 17, 2014, and the accompany-

ing May 25, 2010 oath of Woodward, are attached to this Declaration as Exhibit 9.

14. On December 31, 2014, I requested through FOIA to Williams' agency all instruments of appointment naming Woodward to the office of AUSA, FAUSA, and USA, between January 1, 2009 through January 1, 2013, for the NDOK. A True and Correct Copy of my FOIA request dated December 31, 2014, is attached to this Declaration as Exhibit 10.

15. On December 31, 2014, I requested through FOIA to Williams' agency all NPAs naming Woodward as O'Meilie's FAUSA prior to October 4, 2009 and including from October 6, 2005. A True and Correct Copy of my FOIA request dated December 31, 2014, is attached to this Declaration as Exhibit 11.

16. Williams' agency forwarded these two December 31, 2014 FOIA requests to EOUSA, who on July 23, 2015, responded they could find no records of Woodward being appointed an AUSA or FAUSA, after searching Williams' records and that of EOUSA, and only located the May 25, 2010 oath which corresponds to the May 24, 2010 order of appointment by Judge Eagan. See Exhibit 2, pg. 1.

17. Williams' agency, or EOUSA, could find no record of Woodward being appointed USA between January 21-25, 2010 by the Attorney General. See Exhibit 2, pg. 1

18. On March 8, 2015, I requested through FOIA from DOJ/FOIA all records pertaining to or showing Woodward was appointed to the offices of AUSA, FAUSA, and USA, between January 1, 2009 through January 1, 2013, for the NDOK. A True and Correct Copy of my March 8, 2015 FOIA request is attached to this Declaration as Exhibit 12.

19. I have received no response from DOJ/FOIA on my March 8, 2015 FOIA request and the time period to do so has long expired. (20 days)



FOIAS ON O'REILLY

20. On October 9, 2013, I requested through FOIA from DOJ/FOIA all instruments appointing O'Reilly to the Article II, § 2, Cl. 2 office of SAUSA for the NDOK between June 1, 2009 through September 10, 2013. A True and Correct Copy of my October 9, 2013 FOIA request is attached to this Declaration as Exhibit 13.

21. I have received no response from DOJ/FOIA on my October 9, 2013 FOIA request and the time period to do so has long expired. (20 days)

22. On October 9, 2013, I requested through FOIA from EOUSA all instruments appointing O'Reilly to the Article II, § 2, Cl. 2 office of SAUSA for the NDOK between June 1, 2009 through September 10, 2013. A True and Correct Copy of my October 9, 2013 FOIA request is attached to this Declaration as Exhibit 14.

23. I received from EOUSA a response to my October 9, 2013 FOIA request, dated June 4, 2014, where EOUSA found O'Reilly was no longer employed as an SAUSA and therefore no records could be located. A True and Correct Copy of EOUSA's June 4, 2014 letter is attached to this Declaration as Exhibit 15.

24. I appealed the June 4, 2014 EOUSA response to the Office of Information Policy ("OIP") showing the determination O'Reilly was no longer appointed as an SAUSA for the NDOK was clearly erroneous and attached a copy of a filing in the case herein showing as of July 10, 2014, O'Reilly, Williams, and Gallant, continued to present O'Reilly as a SAUSA. A True and Correct Copy of my appeal to OIP is attached to this Declaration as Exhibit 16.

25. On September 29, 2014, OIP overlooked the evidence I attached showing O'Reilly continued in the NDOK as an SAUSA, even after June 4, 2014, and affirmed EOUSA's June 4, 2014 finding O'Reilly was no longer employed. A True and Correct Copy of OIP's September 29, 2014 decision is attached to this Declaration

as Exhibit 17.

26. On December 31, 2014, I requested through FOIA to Williams' agency all instruments of appointment pertaining to or showing O'Reilly was appointed to the office of SAUSA for the NDOK between December 1, 2008 through January 1, 2015. A True and Correct Copy of my December 31, 2014 FOIA request is attached to this Declaration as Exhibit 18.

27. Williams' agency forwarded my FOIA request naming O'Reilly dated December 31, 2014, to EOUSA, who on July 23, 2015, responded they could find no record of O'Reilly being appointed to the office of SAUSA for the NDOK after searching both Williams and EOUSA's records. See Exhibit 2, pg. 1

28. Six days later, on July 29, 2015, EOUSA issued a supplemental response to its July 23, 2015 response, providing an oath O'Reilly signed on January 5, 2009. A True and Correct Copy of EOUSA's July 29, 2015 letter is attached to this Declaration as Exhibit 3 and the January 5, 2009 oath is attached at Exhibit 3, pg. 2.

29. On March 8, 2015, I requested through FOIA to DOJ/FOIA all records pertaining to or showing O'Reilly was appointed to the office of SAUSA for the NDOK, between December 1, 2008 through January 1, 2015, by the Attorney General. A True and Correct Copy of my March 8, 2015 FOIA request is attached to this Declaration as Exhibit 19.

30. I have received no response from DOJ/FOIA on my March 8, 2015 FOIA request and the time period to do so has long expired. (20 days)

31. On January 2, 2015, as resent on March 25, 2015, I requested from TDC/FOIA under FOIA all records pertaining to or showing O'Reilly as a SAUSA and Trial Attorney, between December 1, 2008 through January 1, 2015. A True and Correct Copy of my December 31, 2014, resent on March 25, 2015, FOIA request is attached to this Declaration as Exhibit 20.

32. I received from TDC/FOIA a response to my March 25, 2015 FOIA request, pertaining to O'Reilly's appointment as a SAUSA and Trial Attorney, dated July 21, 2015, finding no records showing O'Reilly was appointed SAUSA for the NDOX from December 1, 2008 through January 1, 2015. A True and Correct Copy of the July 21, 2015 finding of TDC/FOIA is attached to this Declaration as Exhibit 21.

33. TDC/FOIA did find an oath O'Reilly signed in the 1990s and a NPA for 1993 as a Trial Attorney, but no instruments of appointment as a SAUSA. See Exhibit 21, pg. 3, attached to this Declaration.

#### FOIAS ON MARRELLA

34. On December 31, 2014, as resent on March 25, 2015, I requested through FOIA to TDC/FOIA all records pertaining to or showing Marrella was appointed as the DAAG during the time period of January 1, 2008 through January 1, 2013. A True and Correct Copy of the December 31, 2014 FOIA request is attached to this Declaration as Exhibit 22.

35. I received from TDC/FOIA a response to my March 25, 2015 FOIA request pertaining to and showing Marrella as a DAAG, dated July 17, 2015, finding no such record showing Marrella was appointed DAAG. See Exhibit 5 attached to this Declaration.

36. On March 8, 2015, I requested through FOIA to DOJ/FOIA all records pertaining to or showing Marrella was appointed DAAG between January 1, 2008 through January 1, 2013. A True and Correct Copy of the March 8, 2015 FOIA request is attached to this Declaration as Exhibit 23.

37. I have received no response from DOJ/FOIA on my March 8, 2015 FOIA request and the time period to do so has long expired. (20 days)

#### FOIAS ON SNOKE

38. On December 31, 2014, I requested through FOIA to Williams' agency all

instruments appointing Snoke to the Article II, § 2, Cl. 2 office of AUSA between January 1, 2008 through January 1, 2011. A True and Correct Copy of my December 31, 2014 FOIA request is attached to this Declaration as Exhibit 24.

39. Williams' agency forwarded my FOIA request to EOUSA, who on July 23, 2015, responded they could find no records of Snoke being appointed AUSA, after searching Williams' records and that of EOUSA. See Exhibit 2, pg. 1

40. On March 8, 2015, I requested through FOIA to DOJ/FOIA all records pertaining to or showing Snoke Snoke was appointed to the Article II, § 2, Cl. 2 office of AUSA, between December 1, 2008 through January 1, 2011, for the NDOK. A True and Correct Copy of my March 8, 2015 FOIA request is attached to this Declaration as Exhibit 25.

41. I have received no response from DOJ/FOIA on my March 8, 2015 FOIA request and the time period to do so has long expired. (20 days)

#### FOIAS ON GALLANT

42. On January 2, 2015, I requested through FOIA to Williams' agency all instruments appointing Gallant to the Article II, § 2, Cl. 2 office of AUSA between January 1, 2010 through January 1, 2015. A True and Correct Copy of my January 2, 2015 FOIA request is attached to this Declaration as Exhibit 26.

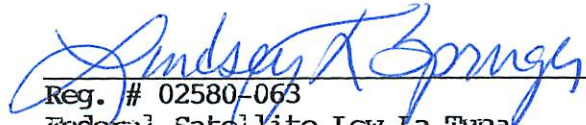
43. Williams' agency forwarded my FOIA request to EOUSA, who on July 23, 2015, responded they could find no records of Gallant being appointed AUSA, after searching Williams' records and that of EOUSA. See Exhibit 2, pg. 1

44. On March 8, 2015, I requested through FOIA to DOJ/FOIA all records pertaining to or showing Gallant was appointed to the Article II, § 2, Cl. 2 office of AUSA, between January 1, 2010 through January 1, 2015, for the NDOK. A True and Correct Copy of my March 8, 2015 FOIA request is attached to this Declaration as Exhibit 27.

45. I have received no response from DOJ/FOIA on my March 8, 2015 FOIA request and the time period to do so has long expired. (20 days)

46. On July 30, 2015, I received a copy of a Declaration of Linda Richardson of EOUSA stating under the penalty of perjury that she conducted the records search of Williams' agency, and EOUSA, involving the appointments to office of Woodward, Snoke, O'Reilly, and Gallant, and other than the May 25, 2010 oath signed by Woodward, the January 5, 2009 oath signed by O'Reilly, and the November 20, 2006 oath signed by Gallant, she could find no instruments of appointment appointing Woodward to the office of AUSA, FAUSA, and USA, or appointing O'Reilly by Marrella, by O'Meilie, by other USAs for the NDOK through extension, nor could she find any instruments of appointment appointing Snoke or Gallant to the office of AUSA, all of which were the subject of my FOIA requests to Williams' agency. A True and Correct copy of Richardson's July 30, 2015 Declaration is attached to this Declaration as Exhibit 28.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America that the foregoing is true and correct as to the best of my knowledge and belief.

  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021



CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2015, I mailed First Class U.S. Postage Prepaid the above Declaration of Lindsey Kent Springer and the 28 attached Exhibits to the Clerk of Court, 333 West Fourth Street, Tulsa, Oklahoma 74103;

I further certify that all parties to the above proceeding are registered ECF users and the following will receive service of the above Declaration and Exhibits through the ECF System:

UNITED STATES OF AMERICA

  
Server

DECLARATION OF MAILING

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on October 7, 2015, I deposited the above Declaration and Exhibits in the U.S. Mailbox located inside FSL La Tuna to the address listed above.

  
Declarant

-i-

**EXHIBITS LIST**

<b>EXHIBIT #</b>	<b>Description</b>
1	Tulsa World Articles on Williams appointment
2	EOUSA July 23, 2015 Response for Williams' agency
3	EOUSA July 29, 2015 Supplemental Response
4	Judge Eagan's May 24, 2010 order appointing Woodward
5	TDC/FOIA July 17, 2015 Response regarding Marrella
6	TDC/FOIA July 21, 2015 Response regarding O'Reilly
7	Springer FOIA to DOJ/FOIA October 9, 2013 on Woodward
8	Springer FOIA to EOUSA October 9, 2013 on Woodward
9	EOUSA September 17, 2014 Response on Woodward
10	Springer FOIA to Williams December 31, 2014 on Woodward
11	Springer FOIA to Williams December 31, 2014 on Woodward
12	Springer FOIA to DOJ/FOIA March 8, 2015 on Woodward
13	Springer FOIA to DOJ/FOIA October 9, 2013 on O'Reilly
14	Springer FOIA to EOUSA October 9, 2013 on O'Reilly
15	EOUSA June 4, 2014 Response on O'Reilly
16	Springer Appeal to OIP on EOUSA June 4, 2014 Response
17	OIP September 29, 2014 affirmance of June 4, 2014 EOUSA
18	Springer FOIA to Williams December 31, 2014 on O'Reilly
19	Springer FOIA to DOJ/FOIA March 8, 2015 on O'Reilly
20	Springer FOIA to TDC/FOIA March 25, 2015 on O'Reilly
21	TDC/FOIA July 21, 2015 Response regarding O'Reilly
22	Springer FOIA to TDC/FOIA March 25, 2015 on Marrella
23	Springer FOIA to DOJ/FOIA March 8, 2015 on Marrella
24	Springer FOIA to Williams December 31, 2014 on Snoke
25	Springer FOIA to DOJ/FOIA March 8, 2015 on Snoke
26	Springer FOIA to Williams January 2, 2015 on Gallant

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**EXHIBITS LIST (cont'd)**

<b>EXHIBIT #</b>	<b>Description</b>
27	Springer FOIA to DOJ/FOIA March 8, 2015 on Gallant
28	Declaration of EOUSA's Lida Richardson July 30, 2015

# Senate OKs U.S. attorney nominee

BY DAVID HARPER

World Staff Writer

The U.S. Senate on Thursday night confirmed the nomination of Danny Williams as the new U.S. attorney for the Tulsa-based Northern District of Oklahoma.

Williams, a partner in the law firm of Charney, Buss & Williams, now specializes in condemnation proceedings but has prosecutorial experience as a former assistant district attorney.

A native of Mississippi, he is a graduate of Dillard University and the University of Tulsa law school.

Scott Woodward has been serving in the role of top federal prosecutor in the district since former U.S. Attorney David O'Meilia left office more than three years ago.



## APPROVED

**Danny Williams:** The Tulsa lawyer is the new U.S. attorney for the Northern District.

The Tulsa-based position has been the last U.S. attorney position still in limbo after the turnover in federal administrations that followed the 2008 presidential election.

The Obama administration and Oklahoma's two Republican senators had been unable to agree on a nominee until Williams' name was put forward in March.

SEE **SENATE** A15

EXHIBIT 1 -1 of 3



ULSA WORLD

5 Sunday | January 9, 2011 | tulsaworld.com

## LOCAL

All five of Oklahoma's U.S. House members plan to vote this week to repeal the health-care law. **A18**

Jay Cronley

jay.cronley  
@tulsaworld.com  
581-8362

## OK federal jobs go unfilled

2 of 3

■ Gov. Brad Henry will leave office with several federal jobs unfilled, despite repeated suggestions.

BY JIM MYERS

World Washington Bureau

WASHINGTON — Oklahoma Gov. Brad Henry, a major player in what became a snake-bitten process to fill key federal posts in the state, will leave office with several of those positions still vacant.

Not only do those positions remain unfilled, but the process used

by the governor and others reportedly has left them without viable candidates in the pipeline.

Those include the U.S. attorney and U.S. marshal posts in Tulsa and the U.S. marshal position in Muskogee.

One after another, names forwarded to the White House for about half of the positions to be filled by the president failed to



## VACANCIES

**Gov. Brad Henry:** The governor sent names to the White Houses for consideration that somehow failed to make the cut.

make it through the process, for various reasons.

Now, two years into President Obama's term, the administration

still has those appointments to make despite a big push early on by U.S. Attorney General Eric Holder to have recommendations on the way as soon as possible.

In addition to the executive branch jobs, two court vacancies remain.

One is at the district court level created by the retirement of Terence Kern, who announced his plans to step down more than a year ago, and the second is the

SEE JOBS A21

## Breaking ground in Brady

TU, Gilcrease and Philbrook will share the new space

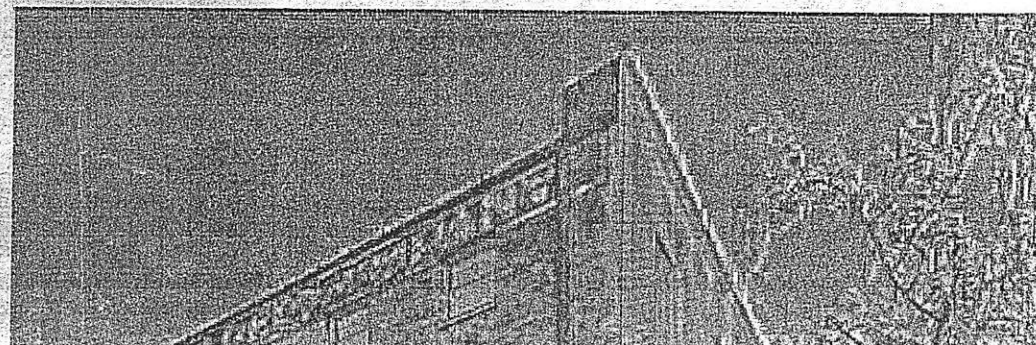
BY JAMES D. WATTS JR.

World Scene Writer

The city block that contains the Mathews Warehouse complex in downtown Tulsa is about to become a very busy place.

Construction is to begin in two weeks on the east section of the interconnected buildings on Brady Street between Boston and Cincinnati avenues, which will ultimately house facilities for the Philbrook Museum of Art and the University of Tulsa.

The work to be done will be "more



'alk's cheap  
ut texting  
; trivial

When you see somebody using a pay phone, you think, that's Mafia.

ew pay phones remain.

here's one near a service station  
: I pass on the way home.

couple of days ago, there was  
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pay phone stand, the cord ex-  
tling to the driver's seat, with the  
dow rolled up.

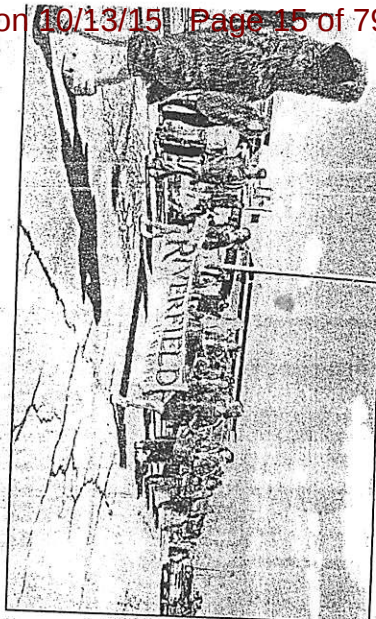
he thought came to mind, this  
here a person goes to have a  
versation that he or she doesn't  
it on the record.

's possible that the person in  
nice car keeps his or her cell  
ne where I keep mine, in with  
wrenches and nails. But it is  
e likely that this is the kind of  
place you go to have a conversa-  
with somebody you shouldn't  
alking to in the first place.

you post a picture on some cell  
nes, your place of residence is  
aled.

according to TV crime shows,





Field Country Day School marches in last year's Martin Luther King parade along Tulsa's historic Greenwood Avenue. (Tulsa World file)

# ments to celebrate King Day include drum, rally, parade

## PAR REPORTS

8:30 a.m. until 10:30 a.m.  
The 32nd annual MLK parade will cap the festivities on Jan. 17, starting at 11 a.m.

On that day, the parade will begin at Elgin Avenue and John Hope Franklin Boulevard, proceed east to Greenwood Avenue, travel south through the Greenwood Business District to Archer, then west to Elgin.

A rally is slated to follow the parade in the OSU-Tulsa Main Hall-Commons Area, 700 N. Greenwood Ave., with a presentation of awards.

Later that day, the Association of Black Collegians of the University of Tulsa, the Student Association and Sharp Chapel will be sponsoring a Martin Luther King Jr. Day

## JOB:

Senators Inhofe and Coburn must approve nominations by the White House.

### FROM A15

vacancy on the 10th U.S. Circuit Court of Appeals created by the resignation of Robert Henry.

Even though that court is based in Denver, the seat Henry gave up is viewed as an Oklahoma slot.

Unlike the executive branch positions, names of potential nominees for the two court vacancies have surfaced, although various levels of uncertainty surround both.

Arvo Mikkanen, an assistant U.S. attorney in Oklahoma City, is being looked at for the district court position. Mikkanen is an American Indian.

There appears to be uncertainty about exactly how Mikkanen became a leading candidate for the post in Tulsa.

The Governor's Office, which from the beginning

has placed an unusual level of secrecy around the process, did not return a call seeking comment for this story.

Mikkanen's name appears to have surfaced after the Obama administration considered another American Indian, a Washington, D.C., attorney, as a possible candidate for the 10th Circuit vacancy.

That move drew opposition from both parties because he was not from Oklahoma.

If Mikkanen makes it through the vetting process and is nominated for the judicial post by Obama, he will be expected to have the support from members of Oklahoma's congressional delegation.

"I have not submitted his name, and he has not contacted me," Rep. Dan Boren, another player in the process as the only Oklahoma Democrat in Congress, said when asked about Mikkanen.

Under the traditional process followed for district court nominations, Oklahoma's two U.S. senators, Republicans Jim Inhofe and Tom Coburn, will have to

support any nomination for the state put forward by the

### White House.

For the appeals court vacancy, Janet Levit, dean of the College of Law at the University of Tulsa, has been considered by some as a leading candidate.

Levit has worked in the areas of international law and human rights and has had articles published by several law journals.

If the White House were to recommend her for an appointment, those articles, especially those on international law, are expected to draw scrutiny from Oklahoma's two senators.

Neither Mikkanen nor Levit was available for comment.

Boren, who made it clear he was not commenting on any specific recommendation or nomination, said he was surprised that two years into the Obama administration, so many of the federal positions remain vacant.

"From talking to people in other states, we are not unique," he said. "This is happening all over the country."

Boren said he hopes soon to have discussions with the administration and both Oklahoma senators to come up with names all can sup-

### port.

"It is very difficult to find people who are willing to submit their names and go through the process, knowing it has taken the administration so long to get these appointments done," he said.

Boren said it is also difficult to find that "unique person" who is going to fit Oklahoma values and have his support as well as the backing of the two Republican senators and the Democratic president.

"I think politically it is very difficult," he said.

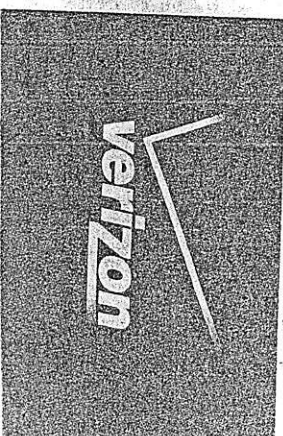
"It is difficult, particularly when a lot of the talent pool comes from places like the Legislature where people have voting records. It almost gives an advantage to someone who has had no experience, whether it be on the bench or in the Legislature or some other place."

Asked if he believes the Obama administration has placed some kind of litmus test on nominees, Boren again making it clear he was not talking about any specific case — said he feels like that is the case.

The White House did not comment.

Jim Myers (202) 484-1424  
jim.myers@tulsaworld.com

UNLEASH YOUR SIGNAL WITH







U.S. Department of Justice  
Executive Office for United States Attorneys  
Freedom of Information & Privacy Staff  
600 E Street, N.W.  
Suite 7300, Bicentennial Building  
Washington, DC 20530-0001  
(202) 252-6020 FAX: 252-6047 ([www.usdoj.gov/usao](http://www.usdoj.gov/usao))

July 23, 2015

Lindsey Springer  
#02580-063  
FSL, P.O. Box 6000  
Anthony, New Mexico 88021

Re: Request Number: FOIA-2015-01085

Date of Receipt: January 9, 2015

Subject of Request: AUSA Appointments - USAO Northern District of Oklahoma

IN LITIGATION

Dear Ms. Springer:

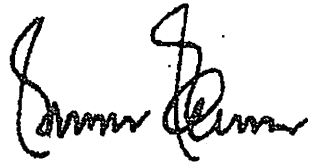
Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Office. To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

All of the records you seek are being made available to you. We have processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a full release of 2 pages.

Please note. There were no records located for Charles A. O'Reilly, Robert Metcalf, James Strong, or Kenneth Snoke because they are either no longer employees or were never employed by EOUSA. Therefore, EOUSA does not have copies of their official personnel file.

[X] See additional information on next page.

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, Washington, DC 20530-0001, or you may submit an appeal through this Office's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,  


Susan B. Gerson  
Assistant Director

Enclosure(s)

Form No. 0021A-nofee-4/11

# APPOINTMENT AFFIDAVITS

m-74

Assistant United States Attorney  
(Position to which Appointed)

November 12, 2006  
(Date Appointed)

Department of Justice  
(Department or Agency)

U.S. Attorney's Office, NDOK  
(Bureau or Division)

Tulsa, Oklahoma  
(Place of Employment)

**FILED**

NOV 17 2006

Ph. Lombardi, Clerk  
U.S. DISTRICT COURT

I, Jeffrey Andrew Gallant, do solemnly swear (or affirm) that—

## A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(B)(6)



(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 17th day of November, 2006

at Tulsa  
(City)

Oklahoma  
(State)

(SEAL)

Chaire V. Egan  
(Signature of Officer)

Commission expires \_\_\_\_\_  
(If by a Notary Public, the date of his/her Commission should be shown)

Chief United States District Judge  
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

# APPOINTMENT AFFIDAVITS

United States Attorney  
(Position to which Appointed)

May 25, 2010  
(Date Appointed)

Department of Justice  
(Department or Agency)

U.S. Attorney's Office  
(Bureau or Division)

Tulsa, Oklahoma  
(Place of Employment)

I, Thomas Scott Woodward, do solemnly swear (or affirm) that--

## A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(B)(6)

(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 25th day of May, 2010

at Tulsa

(City)

Oklahoma

(State)

(SEAL)

Commission expires 10/11/11  
(If by a Notary Public, the date of his/her Commission should be shown)

Director of Administration  
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.



**EXPLANATION OF EXEMPTIONS**

**FOIA: TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.



Executive Office for United States Attorneys  
Freedom of Information & Privacy Staff  
600 E Street, N.W.  
Suite 7300, Bicentennial Building  
Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 ([www.usdoj.gov/usao](http://www.usdoj.gov/usao))

July 29, 2015

Lindsey Springer  
#02580-063  
FSL, P.O. Box 6000

Anthony, New Mexico 88021

Re: Request Number: FOIA-2015-01085  
Date of Receipt: January 9, 2015  
Subject of Request: AUSA Appointments - USAO Northern District of Oklahoma  
IN LITIGATION

Dear Ms. Springer:

Your request for records under the Freedom of Information Act was received some months ago.

This letter constitutes a supplemental reply from the Executive Office for United States Attorneys, the official record keeper for all records located in this office and the various United States Attorney's offices. One page is being released in part pursuant to exemption b(6) of the Freedom of Information Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan B. Gerson".

Susan B. Gerson  
Assistant Director

Enclosure(s)

Form No. 0021B - 4/11

# APPOINTMENT AFFIDAVITS

SPECIAL ASSISTANT UNITED STATES ATTORNEY

(Position to which Appointed)

01/05/2009

(Date Appointed)

DEPT. OF JUSTICE

(Department or Agency)

USAO/ND-OK

(Bureau or Division)

TULSA, OKLAHOMA

(Place of Employment)

I, CHARLES ANTHONY O'REILLY, do solemnly swear (or affirm) that--

## A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(B)(6)

(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 5th day of JANUARY, 2009

at TULSA

(City)

OKLAHOMA

(State)

(SEAL)

(Signature of Officer)

Commission expires \_\_\_\_\_

(If by a Notary Public, the date of his/her Commission should be shown)

Administrative Services Specialist

(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

EXPLANATION OF EXEMPTIONS

**FOIA: TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

Case 4:10-go-00001-CVE Document 4 Filed in USDC ND/OK on 05/24/2010 Page 1 of 1

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FILED

MAY 24 2010

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

60-10-4

IN THE MATTER

OF APPOINTMENT

OF THOMAS SCOTT WOODWARD

AS UNITED STATES ATTORNEY

ORDER OF APPOINTMENT

Pursuant to Title 28, United States Code, Section 546(d), Thomas Scott Woodward is appointed as the United States Attorney for the Northern District of Oklahoma, effective May 25, 2010.

DONE AND ORDERED at Tulsa, Oklahoma, this 24<sup>th</sup> day of May, 2010.

For the Court:

Claire V. Eagan

The Honorable Claire V. Eagan  
Chief Judge  
Northern District of Oklahoma

United States District Court  
Northern District of Oklahoma  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

By Phil Lombardi, Clerk  
Deputy



EXHIBIT 4 - 1 of 1





U.S. Department of Justice

Tax Division

Civil Trial Section, Eastern Region  
P.O. Box 227  
Ben Franklin Station  
Washington, D.C. 20044

Facsimile No. (202) 514-6866

July 17, 2015

CMB:SNWARD  
FOIPA/TAX # 10871

Certified Mail No. 7011 3500 0003 2475 8176  
**RETURN RECEIPT REQUESTED**

Mr. Lindsey Kent Springer Reg. #02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, NM 88021

Dear Mr. Springer:

This responds to your Freedom of Information Act request dated March 25, 2015. The Tax Division's Freedom of Information Act (FOIA) and Privacy Act (PA) Unit received your request on April 1, 2015; it was perfected on April 1, 2015.

We understand from your request that you seek records pertaining to or showing the authorization and/or appointment of John A. Marrella, Title of Deputy Assistant Attorney General.

Based on the information you provided, we nonetheless conducted a search, but could locate no responsive records.

To the extent you are seeking United States Attorney's documents, we suggest that you send a request to:

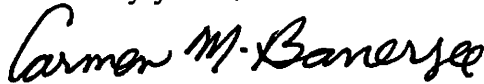
Susan B. Gerson, Acting Assistant Director  
FOIA/Privacy Unit  
Executive Office for United States Attorneys

Lindsey Kent Springer  
FOIPA/TAX # 10871  
Certified Mail No. 7011 3500 0003 2475 8176

Department of Justice  
Room 7300, 600 E Street, N.W.  
Washington, DC 20530-0001  
Phone: (202) 252-6020  
Email: [USAEO.FOIA.Requests@usdoj.gov](mailto:USAEO.FOIA.Requests@usdoj.gov)

In the event you wish to appeal this determination, you may write to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Avenue N.W., Suite 11050, Washington, D.C. 20530-0001 within sixty (60) days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Thereafter, judicial review of the final determination will be available in the District Court of the United States located in the district in which you reside, where you have your principal place of business, in which the agency records are located, or in the District of Columbia.<sup>1</sup>

Sincerely yours,



Carmen M. Banerjee  
Division Counsel  
for FOIA and PA Matters

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<sup>1</sup>For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.



U.S. Department of Justice

Tax Division

Washington, D.C. 20533

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July 21, 2015

CMB:SNWARD  
FOIPA/TAX # 10875

**Certified Mail No. 7011 3500 0003 2475 8169**  
**RETURN RECEIPT REQUESTED**

Mr. Lindsey Kent Springer  
Reg. #02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, NM 88021

Dear Mr. Springer:

This responds to your Freedom of Information Act request dated March 25, 2015. The Tax Division's Freedom of Information Act (FOIA) and Privacy Act (PA) Unit received your request on April 1, 2015; it was perfected on April 1, 2015.

We understand from your request that you seek information about:

- ☐ yourself.
- ☐ a third party taxpayer (individual).
- ☐ a third party taxpayer (entity).
- ☐ the Division's policies or procedures.
- ☒ other. Any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly, from December 1, 2008 through January 1, 2015.

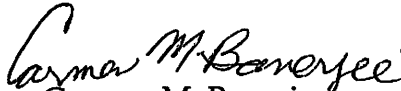
The Tax Division has determined that 2 page is from its records is responsive to your request. It is released in full and enclosed with this letter.

If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington,

Lindsey Kent Springer  
FOIPA/TAX # 10875  
Certified Mail No. 7011 3500 0003 2475 8169

DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be postmarked or transmitted electronically within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Thereafter, judicial review of the final determination will be available in the District Court of the United States located in the district in which you reside, where you have your principal place of business, in which the agency records are located, or in the District of Columbia.<sup>1</sup>

Sincerely yours,

  
Carmen M. Banerjee  
Division Counsel  
for FOIA and PA Matters

Enclosures (2)

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<sup>1</sup>For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

STANDARD FORM 61  
REVISED SEPTEMBER 1970  
U.S. CIVIL SERVICE COMMISSION  
F.P.M. CHAPTER 295  
61-107

OMB APPROVAL NO. 50-R0118

## APPOINTMENT AFFIDAVITS

Law Clerk

(Position to which appointed)

<sup>15</sup>  
November 16, 1992

(Date of appointment)

U.S. Dept. of Justice

(Department or agency)

Tax Division

(Bureau or division)

Washington, DC

(Place of employment)

I, Charles A. O'Reilly, do solemnly swear (or affirm) that—

### A. OATH OF OFFICE

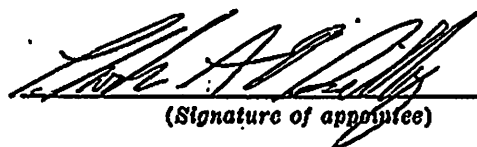
I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

### B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

### C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

  
(Signature of appointee)

Subscribed and sworn (or affirmed) before me this 16th day of November A.D. 1992,

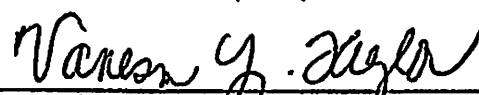
at Washington

(City)

DC

(State)

[SEAL]

  
(Signature of officer)  
Personnel Assistant  
(Title)

Commission expires \_\_\_\_\_

(If by a Notary Public, the date of expiration of his Commission should be shown)

NOTE.—The oath of office must be administered by a person specified in 5 U.S.C. 2903. The words "So help me God" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.



Standard Form 50-8  
Rev. 7/81  
U.S. Office of Personnel Management  
FPM Supp. 295-33, Subch. 4

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>O REILLY, CHARLES A</b>					2. Social Security Number [REDACTED]		3. Date of Birth [REDACTED]		4. Effective Date <b>05/02/93</b>		
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>						
5-A. Code <b>570</b>		5-B. Nature of Action <b>CONV TO EXC APPT</b>			6-A. Code		6-B. Nature of Action				
5-C. Code <b>WOM</b>		5-D. Legal Authority <b>SCH A 213-31020</b>			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number <b>TRIAL ATTY (TAX) TAX00007 TAX164</b>						
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0905</b>		10. Grade/Level [REDACTED]		11. Step/Rate [REDACTED]		12. Total Salary/Award [REDACTED]		21. Pay Basis <b>PA</b>	
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay		20B. Locality Adj.	
								20C. Adj. Basic Pay		20D. Other Pay	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization <b>TAX DIVISION CRIMINAL SECTION NORTHERN REGION</b>						
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10 Point/Disability 5 - 10 Point/Other 2 - 5 Point 4 - 10 Point/Compensable 6 - 10 Point/Compensable/50%				24. Tenure <b>1</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <b>NO</b> YES NO	
27. FEGLI <b>C</b> BASIC				28. Annuity Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>		33. Part-Time Hours Per Biweekly Pay Period	
30. Retirement Plan <b>K</b> FERS				31. Service Comp. Date (Leave) <b>09/14/92</b>				32. Work Schedule <b>F</b> FULL TIME		37. Bargaining Unit Status <b>8888</b>	
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code		37. Bargaining Unit Status	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON DIST OF COLUMBIA DC</b>							
40. AGENCY DATA		41. SEX: <b>M</b>		42. CITIZ: <b>I</b>		43. VET STAT: <b>X</b>		44. ED LV: <b>15</b> YR: <b>92</b> ACAD DISCPL: <b>0100</b>			
45. Remarks											

4 of 4

46. Employing Department or Agency <b>U.S. DEPARTMENT OF JUSTICE/HC</b>			50. Signature/Authentication and Date of Approving Official <b>PH 06/02/93</b>		
47. Agency Code <b>OJ HC</b>	48. Personnel Office ID <b>1831</b>	49. Approval Date <b>06/02/93</b>	PERSONNEL STAFF		
5-Part 50-316			Editions Prior to 7/91 Are Not Usable After 6/30/93 NSN 7540-01-332-0228		
0J HC1906020000000000			PP 10 1*1993*8ATCH 18315571 000-00 466-04 AG/EG HC-1831		

To: FOIA / PA Mail Referral Unit  
Justice Management Division  
U.S. Department of Justice  
950 Pennsylvania Ave. N.W.  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
#02580-063  
Federal Correctional Institution  
P.O. Box 1500  
El Reno, Oklahoma 73036

This is my Freedom of Information Act request under 5 U.S.C. § 552, and agreement to pay costs associated herewith in obtaining information and any documents pertaining to the appointment of Thomas Scott Woodward as the United States attorney for the Northern Judicial District of Oklahoma.

The date or time period is between June 1, 2009 through August 2, 2012.

The Title to the information I seek may be appointment of Thomas Scott Woodward as United States attorney.

The author is unknown but could be either President Obama, Attorney General Eric Holder, or the United States District Court for the Northern District of Oklahoma.

The subject is the appointment of Thomas Scott Woodward as United States attorney for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America the foregoing is true and correct to the best of my knowledge and belief.

Lindsey Kent Springer 10.9.13

To Executive Office for United States Attorneys  
U.S. Department of Justice  
BICN BLDG  
Room 7100  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
#02580-063  
Federal Correctional Institution  
P.O. Box 1500  
El. Reno, Oklahoma 73036

This is my Freedom of Information Act request under 5 U.S.C. § 552, and agreement to pay costs associated herewith in obtaining information and any documents pertaining to the appointment of Thomas Scott Woodward as the United States attorney for the Northern Judicial District of Oklahoma.

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My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America the foregoing is true and correct to the best of my knowledge and belief.

Lindsey Kent Springer 10.9.13





U.S. Department of Justice  
Executive Office for United States Attorneys  
Freedom of Information & Privacy Staff  
600 E Street, N.W.  
Suite 7300, Bicentennial Building  
Washington, DC 20530-0001  
(202) 252-6020 FAX: 252-6047 ([www.usdoj.gov/usao](http://www.usdoj.gov/usao))

September 17, 2014

Lindsey Springer  
#02580-063  
FSL, P.O. Box 6000  
Anthony, New Mexico 88021

Re: Request Number: FOIA-2014-00169  
Date of Receipt: October 23, 2013  
Subject of Request: Appointment of USA Thomas Scott Woodard/Personnel

Dear Ms. Springer:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Office.

To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [X] partial [ ] full denial.

Enclosed please find:

\_\_\_\_\_page(s) are being released in full (RIF);  
1\_\_\_\_\_page(s) are being released in part (RIP);  
\_\_\_\_\_page(s) are withheld in full (WIF). **The redacted/withheld documents were reviewed to determine if any information could be segregated for release.**

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

(B)(6)

[ ] In addition, this office is withholding grand jury material which is retained in the District.

[ ] A review of the material revealed:

☐ Our office located records that originated with another government component. **These records were found in the U.S. Attorney's Office files and may or may not be responsive to your request.** These records will be referred to the following component(s) listed for review and direct response to you: \_\_\_\_\_

☐ There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

---

☐ See additional information attached.

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, Washington, DC 20530-0001, or you may submit an appeal through this Office's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Susan B. Gerson  
Assistant Director

Enclosure(s)

**EXPLANATION OF EXEMPTIONS**

**FOIA: TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.



# APPOINTMENT AFFIDAVITS

United States Attorney  
(Position to which Appointed)

May 25, 2010  
(Date Appointed)

Department of Justice  
(Department or Agency)

U.S. Attorney's Office  
(Bureau or Division)

Tulsa, Oklahoma  
(Place of Employment)

I, Thomas Scott Woodward, do solemnly swear (or affirm) that—

## A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.


## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO THE PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(B)(6)



(Signature of Appointee)

Subscribed and sworn (or affirmed) before me this 25th day of May, 2010

at Tulsa  
(City)

Oklahoma  
(State)

(SEAL)



(Signature of Officer)

Commission expires 10/1/11  
(If by a Notary Public, the date of his/her Commission should be shown)

Director of Administration  
(Title)

Note - If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency's legal counsel for advice.

To: Danny C. Williams, Sr.  
United States Attorney Office  
110 West 7th St., Suite 300  
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Thomas Scott Woodward to represent the United States of America pursuant to 28 U.S.C. §§ 542, 546(a), and 5 U.S.C. § 3345(a)(1)

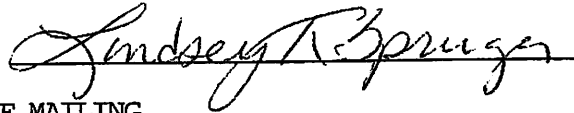
The dates or time period of this request is between January 1, 2009 through January 1, 2013

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Assistant United States Attorney," "Acting United States Attorney," and "United States Attorney"

My request is also limited to such authorization and/or appointment of Thomas Scott Woodward in and for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.

  
Declarant

EXHIBIT 10 - 1 of 1

To: Danny C. Williams  
United States Attorney Office  
110 West 7th St., Suite 300  
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Mr. Williams:

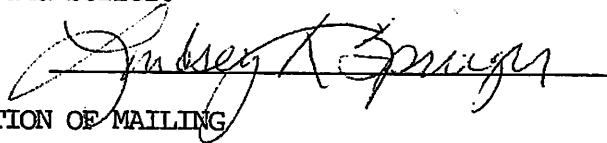
This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documents pertaining to or showing Thomas Scott Woodward as the "First Assistant" to David E. O'Meilia, pursuant to 5 U.S.C. § 3345(a)(1), from or on January 1, 2009 through June 28, 2009.

To help you in gathering this information I can provide to you that the Form 50-A or 50-B, entitled "Notification of Personnel Action," may contain the information I seek.

I am not requesting the Form 50-B naming Thomas Scott Woodward dated October 5, 2009, which you have already provided to me in litigation, see filing dated January 17, 2014, in 08-CV-278, but rather, the Form 50-A or 50-B that is immediately before the October 5, 2009 Form 50-B.

The dates may begin on October 6, 2005 and extend to October 4, 2009.  
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.

  
Declarant

EXHIBIT 11 - 1 of 1



To: FOIA/PA Mail Referral Unit  
Justice Management Division  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington D.C. 20530-0001


From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

This is my Freedom of Information Act request under 5 U.S.C. § 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Thomas Scott Woodward - Northern District of Oklahoma to represent the United States of America pursuant to 28 U.S.C. §§ 542, 546(a), and 5 U.S.C. § 3345(a)(1)

The dates or time period of this request is between January 1, 2009 through January 1, 2013

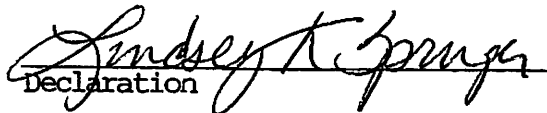
In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Acting United States Attorney" and "United States Attorney" and "Assistant United States Attorney"  
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 8, 2015 I deposited the above Freedom of Information Act Request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to FOIA/PA Mail Referral Unit at the address listed above.

  
Declaration

To: FOIA/PA Mail Referral Unit  
Justice Management Division  
U.S. Department of Justice  
950 Pennsylvania Ave. N.W.  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
# 02580-063  
Federal Correctional Institution  
P.O. Box 1500  
El Reno, Oklahoma 73036

This is my Freedom of Information Act request under 5 U.S.C. § 552, and agreement to pay costs associated herewith, in obtaining information and any documents pertaining to the appointment of Charles A. O'Reilly as a "Special Assistant United States attorney," California Bar Association No. 160980.

The date or time period is between June 1, 2009 through September 10, 2013.

The Title to the information I seek may be Appointment of Charles A. O'Reilly as "Special Assistant United States attorney."

The author is unknown but could be Attorney General Eric Holder.

The Subject is the appointment of Charles A. O'Reilly as "Special Assistant United States Attorney."

My date of birth is September 11, 1965.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746(i), under the laws of the United States of America the foregoing is true and correct to the best of my knowledge and belief.

Lindsey Kent Springer 10.9.13

To: Executive Office For United States Attorneys  
U.S. Department of Justice  
BICN BLDG  
Room 7100  
Washington DC 20530-0001

From: Lindsey Kent Springer  
# 02580-063  
Federal Correctional Institution  
P.O. Box 1500  
El Reno, Oklahoma 73036

This is my Freedom of Information Act request under 5 U.S.C. § 552, and agreement to pay costs associated herewith, in obtaining information and any documents pertaining to the appointment of Charles A. O'Reilly as a "Special Assistant United States attorney," California Bar Association No. 160980.

The date or time period is between June 1, 2009 through September 10, 2013.

The title to the information I seek may be Appointment of Charles A. O'Reilly as "Special Assistant United States attorney."

The author is unknown but could be Attorney General Eric Holder.

The subject is the appointment of Charles A. O'Reilly as "Special Assistant United States Attorney."

My date of birth is September 11, 1965.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746(i), under the laws of the United States of America the foregoing is true and correct to the best of my knowledge and belief.

Lindsey Kent Springer 10.9.13





## U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information &amp; Privacy Staff

600 E Street, N.W.

Suite 7300, Bicentennial Building

Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 ([www.usdoj.gov/usao/](http://www.usdoj.gov/usao/))

June 4, 2014

Requester: Lindsey SpringerRequest Number: FOIA-2014-00473 Date of Receipt October 23, 2013Subject of Request: Appointment of SAUSA Charles A. O'Reilly/Personnel

Dear Ms. Springer:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. ☒ A search for records located in EOUSA- Personnel has revealed no responsive records regarding the above subject. It appears that SAUSA Charles A. O'Reilly is no longer an employee. Therefore, his official personnel file is no longer maintained.
2. ☐ A search for records located in the United States Attorney's Office(s) for the \_\_\_\_\_ has revealed no responsive records regarding the above subject.
3. ☐ After an extensive search, the records which you have requested cannot be located.
4. ☐ Your records have been destroyed pursuant to Department of Justice guidelines.
5. ☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, Washington, DC 20530-0001, or you may submit an appeal through this Office's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Susan B. Gerson  
Assistant Director

Form No. 005 - 6/12

EXHIBIT 15 - 1 of 1

To: Director, Office of Information Policy  
United States Department of Justice, Suite 11050,  
1425 New York Avenue,  
Washington D.C. 20530-001

From Lindsey Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Re: FOIA Request Number. "FOIA-2014-00473"

This is my formal "Freedom of Information Act Appeal" stemming from my request for any and all documents related to the "Appointment of SAUSA Charles A. O'Reilly." Attached hereto is my original request made to the Executive Office of United States Attorney seeking appointment documents confirming Mr. O'Reilly's appointment as a "Special Assistant United States Attorney" for the Northern District of Oklahoma. See Attachment 1.

On June 4, 2014, Assistant Director Susan B. Gerson issued a final action response to my request in which she concluded she could locate no records in EOUSA responsive to my requests and that it "appears that SAUSA Charles A. O'Reilly [sic] no longer an employee." See Attachment 2.

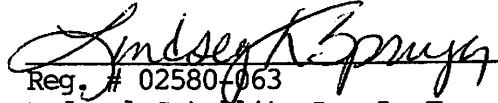
In October, 2013, Mr. O'Reilly explained his theory of authority and appointment in a responsive filing in a case pending in the Northern District of Oklahoma. See Attachment 3.

Most recently, Mr. O'Reilly has signed another document on July 10, 2014. See Attachment 4.

Surely, Ms. Gerson did not mean to suggest that her search was limited to only "records located in EOUSA." Perhaps maybe a search of the records of the Office of United States Attorney in the Northern District of Oklahoma would produce the documents I seek to obtain.


Please reverse the Assistant Director's narrow decision with direction that a search of the records of the Northern District of Oklahoma's United States Attorney's Office for the time period at issue be made and any and all documents responsive to my request be surrendered to me immediately.

Respectfully Submitted

  
Reg. # 025804063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on July 20, 2014, I deposited the above Freedom of Information Act Appeal in the U.S. Mailbox located inside FSL La Tuna addressed to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, Washington D.C., 20530-001.

  
Declarant.

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To: Executive Office For United States Attorneys  
U.S. Department of Justice  
BICN BLDG  
Room 7100  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
# 02580-063  
Federal Correctional Institution  
P.O. Box 1500  
El Reno, Oklahoma 73036

This is my Freedom of Information Act request under 5 U.S.C. § 552, and agreement to pay costs associated herewith, in obtaining information and any documents pertaining to the appointment of Charles A. O'Reilly as a "Special Assistant United States attorney," California Bar Association No. 160980.

The date or time period is between June 1, 2009 through September 10, 2013.

The Title to the information I seek may be Appointment of Charles A. O'Reilly as "Special Assistant United States attorney."

The author is unknown but could be Attorney General Eric Holder.

The Subject is the appointment of Charles A. O'Reilly as "Special Assistant United States Attorney."

My date of birth is September 11, 1965.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746(i), under the laws of the United States of America the foregoing is true and correct to the best of my knowledge and belief.

Lindsey Kent Springer 10.9.13



To: FOIA/PA Mail Referral Unit  
Justice Management Division  
U.S. Department of Justice  
950 Pennsylvania Ave. N.W.  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
# 02580-063  
Federal Correctional Institution  
P.O. Box 1500  
El Reno, Oklahoma 73036

This is my Freedom of Information Act request under 5 U.S.C. § 552, and agreement to pay costs associated herewith, in obtaining information and any documents pertaining to the appointment of Charles A. O'Reilly as a "Special Assistant United States Attorney," California Bar Association No. 160980.

The date or time period is between June 1, 2009 through September 10, 2013.

The Title to the information I seek may be Appointment of Charles A. O'Reilly as "Special Assistant United States Attorney."

The author is unknown but could be Attorney General Eric Holder.

The Subject is the appointment of Charles A. O'Reilly as "Special Assistant United States Attorney."

My date of birth is September 11, 1965.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America the foregoing is true and correct to the best of my knowledge and belief.

Lindsey Kent Springer 10.9.13

**U.S. Department of Justice**

Executive Office for United States Attorneys

Freedom of Information &amp; Privacy Staff

600 E Street, N.W.

Suite 7300, Bicentennial Building

Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 ([www.usdoj.gov/usao/](http://www.usdoj.gov/usao/))

June 4, 2014

Requester: Lindsey SpringerRequest Number: FOIA-2014-00473 Date of Receipt October 23, 2013Subject of Request: Appointment of SAUSA Charles A. O'Reilly/Personnel

Dear Ms. Springer:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. ☒ A search for records located in EOUSA- Personnel has revealed no responsive records regarding the above subject. It appears that SAUSA Charles A. O'Reilly is no longer an employee. Therefore, his official personnel file is no longer maintained.
2. ☐ A search for records located in the United States Attorney's Office(s) for the \_\_\_\_\_ has revealed no responsive records regarding the above subject.
3. ☐ After an extensive search, the records which you have requested cannot be located.
4. ☐ Your records have been destroyed pursuant to Department of Justice guidelines.
5. ☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, Washington, DC 20530-0001, or you may submit an appeal through this Office's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Susan B. Gerson  
Assistant Director

Form No. 005 - 6/12

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff/Respondent</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 09-CR-043-SPF</b>
	)	
<b>LINDSEY KENT SPRINGER,</b>	)	
	)	
<b>Defendant/Movant.</b>	)	

**UNITED STATES' RESPONSE IN OPPOSITION TO MR. SPRINGER'S  
MOTION TO STRIKE (DOCKET NUMBER 522)**

The United States of America, by and through its attorneys, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Jeffrey Gallant, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Mr. Springer's fifteen-page Motion to Strike (Doc. No. 522). The pleading Mr. Springer seeks to have stricken, the United States' Preliminary Response Regarding Lindsey Springer's Motion for Relief Under 28 U.S.C. §2255 (Doc. Nos. 472 - 475) Concisely Listing Those Grounds For Relief That Should Be Stricken or Dismissed, is signed by an authorized representative of the United

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States and complies with the Court's March 15, 2013 Order directing the United States to file a preliminary response (Doc. No. 478).

With respect to the above-captioned case, the undersigned represented the United States of America during the grand jury investigation, at trial, and during Mr. Springer's appeal from his conviction. Pursuant to Title 28, United States Code Section 515(a) and Title 28, Code of Federal Regulations Section 0.13(a), Deputy Assistant Attorney General John A. Marrella of the United States Department of Justice, Tax Division authorized the undersigned to represent the United States with respect to this investigation and prosecution by letter dated December 23, 2008.

By letter dated January 5, 2009, United States Attorney David E. O'Meilia appointed the undersigned as a Special Assistant United States Attorney for the Northern District of Oklahoma. The United States Attorneys for the Northern District of Oklahoma have extended the undersigned's appointment as a Special Assistant United States Attorney by letters dated January 4, 2010, January 4, 2011, January 10, 2012, and most recently by United States Attorney Danny C. Williams, Sr. in a letter dated December 19, 2012. Mr. Springer's rhetoric does not change the fact that the undersigned has been and remains authorized to represent the United States of America.

Mr. Springer's claim that the Government's Preliminary Response (Doc. No. 518) does not comply with the Court's March 15, 2013 Order (Doc. No. 478) is simply wrong. Mr. Springer states "First, Doc 518 is clearly not signed by an authorized representative



**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of October 2013, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing, and also served the foregoing document by United States Postal Mail, to:

Lindsey Kent Springer  
Defendant  
FCI El Reno  
Federal Correctional Institution  
P.O. Box 1500  
El Reno, OK 73036  
Inmate Number 02580-063.

/s/ Charles A. O'Reilly  
Charles A. O'Reilly  
Special Assistant United States Attorney

For the reasons stated above, the United States respectfully requests that the Court deny Mr. Springer's Motion to Strike (Doc. No. 522).

DATED: 24 October 2013

Respectfully submitted,

DANNY C. WILLIAMS, SR.  
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly

CHARLES A. O'REILLY, CBA NO. 160980  
Special Assistant United States Attorney  
110 West Seventh Street, Suite 300  
Tulsa, Oklahoma 74119  
(918) 382-2700

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff/Respondent )

v. )

Case No. 09-CR-043-SPF

LINDSEY KENT SPRINGER, )

Defendant/Movant. )

UNITED STATES' RESPONSE IN OPPOSITION TO  
LINDSEY SPRINGER'S MOTION FOR LEAVE TO AMEND  
MOTION MADE PURSUANT TO 28 U.S.C. §2255 (DOC. NO. 570)

The United States of America, by and through its attorneys, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, Jeffrey Gallant, Assistant U.S. Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, responding pursuant to the Court's Order dated July 1, 2014 (doc. no. 571), hereby responds and objects to Mr. Springer's 24-page Motion for Leave to Amend 2255 (doc. no. 570). As more fully detailed herein, Mr. Springer's motion should be stricken for being filed in violation of the page limitations imposed under the local rules; as the Court indicated in its order dated March 4, 2014 (doc. no. 537 at 12) ("the court now advises that it is highly unlikely to permit briefs with more than 25 pages of text").

Mr. Springer already filed a twenty-five page typewritten reply brief (doc. no. 570) in response to the Government's Response in Opposition to Lindsey Kent Springer's

into the conspiracy count, and also to reject the assertion that the imposition of consecutive sentences violated double jeopardy. *Id.* at 249.

### CONCLUSION

The Government requests that the Court strike Mr. Springer's most recent pleading, doc. no. 570, because, together with Mr. Springer's previous and related pleading, doc. no. 567, the pleadings exceed twenty-five pages in length, in violation of Rule 47.7 of the Local Rules. Should the Court decide to consider Mr. Springer's motion to amend, the Court should deny the amendment because each of the two additional issues could have been raised in the underlying proceedings and each of the additional issues is without merit. Counsel's election to not raise either issue cannot constitute ineffective assistance of counsel.

Respectfully submitted,

DANNY WILLIAMS  
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly

CHARLES A. O'REILLY, CBA NO. 160980  
Special Assistant United States Attorney  
JEFFREY GALLANT  
Assistant United States Attorney  
110 West Seventh Street, Suite 300  
Tulsa, Oklahoma 74119  
(918) 382-2700



**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of July 2014, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing, and also served the foregoing document by United States Postal Mail, to:

Lindsey Kent Springer  
Defendant  
FCI La Tuna  
Federal Correctional Institution  
P.O. Box 6000  
Anthony, TX 88021  
Inmate Number 02580-063.

/s/ Charles A. O'Reilly  
Charles A. O'Reilly  
Special Assistant United States Attorney



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

**September 29, 2014**

Ms. Lindsey Springer  
Register No. 02580-063  
Federal Correctional Institution  
Post Office Box 6000  
Anthony, NM 88021

Re: Appeal No. AP-2014-04015  
Request No. FOIA-2014-00473  
MWH:ADF

**VIA: U.S. Mail**

Dear Ms. Springer:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your request for access to records regarding the appointment of Charles A. O'Reilly as a Special Assistant United States Attorney in the United States Attorney's Office for the Northern District of Oklahoma.

After carefully considering your appeal, I am affirming EOUSA's action on your request. EOUSA informed you that it could locate no responsive records subject to the Freedom of Information Act in its files. I have determined that EOUSA's action was correct and that it conducted an adequate, reasonable search for such records.

For your information, it appears that the subject of your request may have been appointed as a Special Assistant United States Attorney for the Tax Division of the United States Department of Justice. If you have not already done so, you may wish to submit a request directly to the Tax Division for the records you seek, at the following address:

Carmen M. Banerjee  
Division Counsel for FOIA and PA Matters  
Post Office Box 2272  
Ben Franklin Station  
Washington, DC 20044

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of EOUSA in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

- 2 -

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean R. O'Neill". The signature is fluid and cursive, with the first name "Sean" and last name "O'Neill" clearly distinguishable.

Sean R. O'Neill  
Chief  
Administrative Appeals Staff

To: Danny C. Williams, Sr.  
United States Attorney Office  
110 West 7th St., Suite 300  
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly to represent the United States of America pursuant to 28 U.S.C. §§ 542, 543, and 547(1)

The dates or time period of this request is between December 1, 2008 through January 1, 2015

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Trial Attorney," and "Special Assistant United States Attorney"

My request is also limited to such authorization and/or appointment of Charles A. O'Reilly in and for the Northern District of Oklahoma.

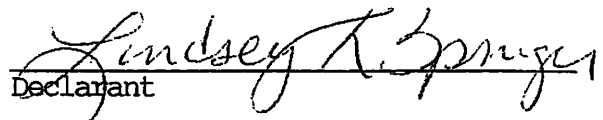
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.

  
Declarant



To: FOIA/PA Mail Referral Unit  
Justice Management Division  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

This is my Freedom of Information Act request under 5 U.S.C. § 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly to represent the United States of America pursuant to 28 U.S.C. §§ 515, 543 and 28 CFR §§ 0.5(a), 0.5(b), 0.13(a), 0.13(b), 0.70(a) and 0.70(b).

The dates or time period of this request is between December 1, 2008 through January 1, 2015.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Trial Attorney" and "Special Assistant United States Attorney" for the Northern District of Oklahoma.

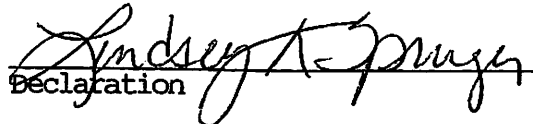
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 8, 2015 I deposited the above Freedom of Information Act Request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to FOIA/PA Mail Referral Unit at the address listed above.

  
Declaration

0002

EXHIBIT 19 - 1 of 1

To: Carmen M. Banerjee  
Attn: Ms. Billie Willis  
FOIA and PA Unit, Tax Division  
U.S. Department of Justice  
P.O. Box 227  
Ben Franklin Station  
Washington D.C., 20044

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Ms Billie Willis c/o Carmen M. Banerjee

On January 2, 2015, I mailed the enclosed Freedom of Information Act Request (FOIA) to:

Carmen M. Banerjee, Division Counsel for FOIA and PA Matters, P.O. Box 2272, Ben Franklin Station, Washington, D.C. 20044"

I received this name and address from Sean R. O'Neill, Chief of the Office of Administrative Appeals Staff in a letter dated January 29, 2014 involving Appeal No. AP-2014-04015. This FOIA Request was returned to me by the U.S. Post Office where the envelope has on a printed sticker dated January 20, 2015, the following:

02580-063  
Carmen M Banerjee  
Ben Franklin Station  
PO BOX 2272  
Washington, DC 20044  
United States

N ACT REQUEST

NIXIE

200444183-1N

01/20/15

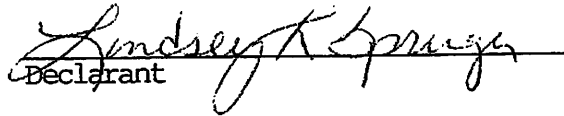
RETURN TO SENDER  
NO SUCH STREET  
UNABLE TO FORWARD  
RETURN TO SENDER

In a letter dated March 17, 2015, Ms. Carmen M. Banerjee sent me a certified letter involving 1 of my 14 FOIA Requests I sent her at the address shown above involving Attorney Jonathan S. Cohen. The number assigned to the Cohen FOIA request is 10841. The March 17, 2015 letter directs me to use the following address:

FOIA and PA Unit, Tax Division  
U.S. Department of Justice  
P.O. Box 227  
Ben Franklin Station  
Washington D.C. 20044

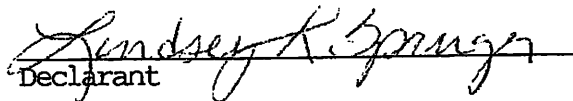
Please process my FOIA Request accompanying this letter. This letter accompanies the FOIA Request for Charles A. O'Reilly.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.

  
Declarant

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 25, 2015, I deposited the above letter and the accompanying FOIA Request dated January 2, 2015, naming Charles A. O'Reilly, in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee, c/o Ms. Willis, at the address of FOIA and PA Unit, Tax Division, U.S. Department of Justice, Attn: Ms. Billie Willis, P.O. Box 227, Ben Franklin Station, Washington D.C. 20044.

  
Declarant

To: Carmen M. Banerjee  
Division Counsel for FOIA and PA Matters  
P.O. Box 2272  
Ben Franklin Station  
Washington D.C. 20044

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Ms. Banerjee:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly to represent the United States of America pursuant to 28 U.S.C. §§ 515, 543 and 28 C.F.R. §§ 0.5(a), 0.5(b), 0.13(a), 0.13(b), and 0.70(a) and 0.70(b).

The date or time period of this request is between December 1, 2008 through January 1, 2015.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Trial Attorney" and "Special Assistant United States Attorney."

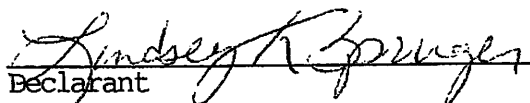
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on January 2, 2015 I deposited the above Freedom of Information Act request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee at the address listed above under her name.

  
Declarant





U.S. Department of Justice

Tax Division

Washington, D.C. 20533

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July 21, 2015

CMB:SNWARD  
FOIPA/TAX # 10875

**Certified Mail No. 7011 3500 0003 2475 8169**  
**RETURN RECEIPT REQUESTED**

Mr. Lindsey Kent Springer  
Reg. #02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, NM 88021

Dear Mr. Springer:

This responds to your Freedom of Information Act request dated March 25, 2015. The Tax Division's Freedom of Information Act (FOIA) and Privacy Act (PA) Unit received your request on April 1, 2015; it was perfected on April 1, 2015.

We understand from your request that you seek information about:

- ☐ yourself.
- ☐ a third party taxpayer (individual).
- ☐ a third party taxpayer (entity).
- ☐ the Division's policies or procedures.
- ☒ other. Any documentation pertaining to or showing the authorization and/or appointment of Charles A. O'Reilly, from December 1, 2008 through January 1, 2015.


The Tax Division has determined that 2 page is from its records is responsive to your request. It is released in full and enclosed with this letter.

If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington,

Lindsey Kent Springer  
FOIPA/TAX # 10875  
Certified Mail No. 7011 3500 0003 2475 8169

DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be postmarked or transmitted electronically within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Thereafter, judicial review of the final determination will be available in the District Court of the United States located in the district in which you reside, where you have your principal place of business, in which the agency records are located, or in the District of Columbia.<sup>1</sup>

Sincerely yours,

  
Carmen M. Banerjee  
Division Counsel  
for FOIA and PA Matters

Enclosures (2)

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<sup>1</sup>For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

STANDARD FORM 61  
REVISED SEPTEMBER 1970  
U.S. CIVIL SERVICE COMMISSION  
F.P.M. CHAPTER 295  
61-107

OMB APPROVAL NO. 50-R0118

## APPOINTMENT AFFIDAVITS

Law Clerk

(Position to which appointed)

<sup>15</sup>  
November 16, 1992

(Date of appointment)

U.S. Dept. of Justice

(Department or agency)

Tax Division

(Bureau or division)

Washington, DC

(Place of employment)

I, Charles A. O'Reilly, do solemnly swear (or affirm) that—

### A. OATH OF OFFICE

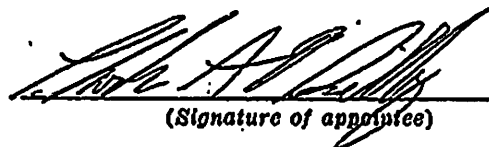
I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

### B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

### C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

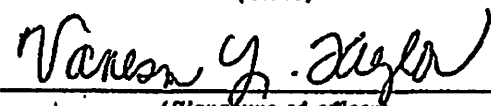
  
(Signature of appointee)

Subscribed and sworn (or affirmed) before me this 16th day of November A.D. 1992,

at Washington  
(City)

DC  
(State)

[SEAL]

  
(Signature of officer)  
Personnel Assistant  
(Title)

Commission expires \_\_\_\_\_  
(If by a Notary Public, the date of expiration  
of his Commission should be shown)

NOTE.—The oath of office must be administered by a person specified in 5 U.S.C. 2903. The words "So help me God" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.

Standard Form 50-B  
Rev. 7/91  
U.S. Office of Personnel Management  
FPM Supp. 298-33, Subch. 4

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>O REILLY, CHARLES A</b>				2. Social Security Number [REDACTED]		3. Date of Birth [REDACTED]		4. Effective Date <b>05/02/93</b>			
FIRST ACTION				SECOND ACTION							
5-A. Code <b>570</b>				5-B. Nature of Action <b>CONV TO EXC APPT</b>							
5-C. Code <b>WOM</b>				5-D. Legal Authority <b>SCH A 213.31020</b>							
5-E. Code				5-F. Legal Authority							
7. FROM: Position Title and Number				15. TO: Position Title and Number <b>TRIAL ATTY (TAX) TAX00007 TAX164</b>							
8. Pay Plan		9. Occ. Code		10. Grade/Level		11. Step/Rate		12. Total Salary		13. Pay Basis	
16. Pay Plan		17. Occ. Code		18. Grade/Level		19. Step/Rate		20. Total Salary/Award		21. Pay Basis	
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay		20B. Locality Adj.	
20C. Adj. Basic Pay		20D. Other Pay		20E. Basic Pay		20F. Locality Adj.		20G. Adj. Basic Pay		20H. Other Pay	
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization <b>TAX DIVISION CRIMINAL SECTION NORTHERN REGION</b>							
EMPLOYEE DATA											
23. Veterans Preference <b>1</b> 1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/30%				24. Tenure <b>1</b> 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	
27. FEGLI <b>C</b> BASIC				28. Annuity Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>			
30. Retirement Plan <b>K</b> FERS				31. Service Comp. Date (Leave) <b>09/14/92</b>				32. Work Schedule <b>F</b> FULL TIME			
33. Part-Time Hours Per Biweekly Pay Period				34. Position Occupied <b>2</b> 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code	
37. Bargaining Unit Status <b>8888</b>				38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON DIST OF COLUMBIA DC</b>			
40. AGENCY DATA		41. SEX: M		42. CITIZ: I		43. VET STAT: X		44. ED LV:15 YR:92 ACAD DISCPL:0100			
45. Remarks											

4 of 4

46. Employing Department or Agency <b>U.S. DEPARTMENT OF JUSTICE/HC</b>			49. Signature/Authentication and Date of Approving Official <b>PERSONNEL STAFF</b>		
47. Agency Code <b>OJ HC</b>	48. Personnel Office ID <b>1831</b>	49. Approval Date <b>06/02/93</b>			
5-Part 50-316			50. Signature/Authentication and Date of Approving Official <b>PERSONNEL STAFF</b>		
51. Remarks <b>DJ HC190602000000000000</b>			52. Remarks <b>PP 10 1*1993*8ATCH 18315571 000-00 466-04 AG/EG HC-1831</b>		

3 - Payroll Copy  
Editions Prior to 7/91 Are Not Usable After 8/30/93  
NSN 7540-01-339-0238



To: Carmen M. Banerjee  
Attn: Ms. Billie Willis  
FOIA and PA Unit, Tax Division  
U.S. Department of Justice  
P.O. Box 227  
Ben Franklin Station  
Washington D.C., 20044

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Ms Billie Willis c/o Carmen M. Banerjee

On December 31, 2014, I mailed the enclosed Freedom of Information Act Request (FOIA) to:

Carmen M. Banerjee, Division Counsel for FOIA and PA Matters, P.O. Box 2272, Ben Franklin Station, Washington, D.C. 20044"

I received this name and address from Sean R. O'Neill, Chief of the Office of Administrative Appeals Staff in a letter dated January 29, 2014 involving Appeal No. AP-2014-04015. This FOIA Request was returned to me by the U.S. Post Office where the envelope has on a printed sticker dated January 20, 2015, the following:

02580-063  
Carmen M Banerjee  
Ben Franklin Station  
PO BOX 2272  
Washington, DC 20044  
United States

NIXIE

200444183-1N

01/20/15

N ACT REQUEST

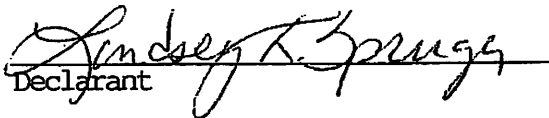
RETURN TO SENDER  
NO SUCH STREET  
UNABLE TO FORWARD  
RETURN TO SENDER

In a letter dated March 17, 2015, Ms. Carmen M. Banerjee sent me a certified letter involving 1 of my 14 FOIA Requests I sent her at the address shown above involving Attorney Jonathan S. Cohen. The number assigned to the Cohen FOIA request is 10841. The March 17, 2015 letter directs me to use the following address:

FOIA and PA Unit, Tax Division  
U.S. Department of Justice  
P.O. Box 227  
Ben Franklin Station  
Washington D.C. 20044

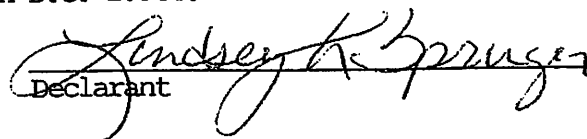
Please process my FOIA Request accompanying this letter. This letter accompanies the FOIA Request for John A. Marrella.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.

  
Declarant

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 25, 2015, I deposited the above letter and the accompanying FOIA Request dated December 31, 2014, naming John A. Marrella, in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to Ms. Banerjee, c/o Ms. Willis, at the address of FOIA and PA Unit, Tax Division, U.S. Department of Justice, Attn: Ms. Billie Willis, P.O. Box 227, Ben Franklin Station, Washington D.C. 20044.

  
Declarant

To: Carmen M. Banerjee  
Division Counsel for FOIA and PA Matters  
P.O. Box 2272  
Ben Franklin Station  
Washington D.C. 20044

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Ms. Banerjee:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of John A. Marrella to represent the United States of America pursuant to 28 U.S.C. §§ 515, 516, 517 and 28 C.F.R. §§ 0.5(a), 0.5(b), 0.13(a), 0.13(b), 0.70(a), and 0.70(b).

The date or time period of this request is between January 1, 2008 through January 1, 2013.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Deputy Assistant Attorney General".

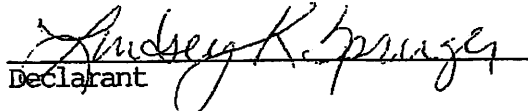
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Declarant

To: FOIA/PA Mail Referral Unit  
Justice Management Division  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

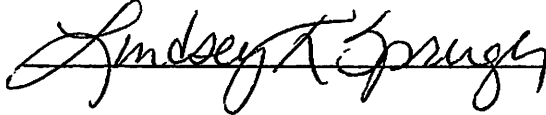
This is my Freedom of Information Act request under 5 U.S.C. § 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of John A. Marrella to represent the United States of America pursuant to 28 U.S.C. §§ 515, 516, 517, and 28 CFR §§ 0.5(a), 0.5(b), 0.13(a), 0.13(b), 0.70(a), and 0.70(b).

The dates or time period of this request is between January 1, 2008 through January 1, 2013.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Deputy Assistant Attorney General".

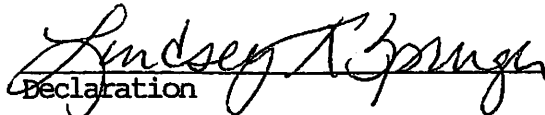
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 8, 2015 I deposited the above Freedom of Information Act Request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to FOIA/PA Mail Referral Unit at the address listed above.

  
Declaration



To: Danny C. Williams, Sr.  
United States Attorney Office  
110 West 7th St., Suite 300  
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Kenneth P. Snoke to represent the United States of America pursuant to 28 U.S.C. §§ 542, 543, and 547(1)

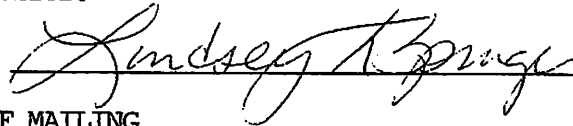
The dates or time period of this request is between January 1, 2008 through January 1, 2011

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Assistant United States Attorney" for the Northern District of Oklahoma

My request is also limited to such authorization and/or appointment of Kenneth P. Snoke in and for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on December 31, 2014 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.

  
Declarant

To: FOIA/PA Mail Referral Unit  
Justice Management Division  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

This is my Freedom of Information Act request under 5 U.S.C. § 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Kenneth P. Snoke to represent the United States of America pursuant to 28 U.S.C. §§ 542, 543, and 547.

The dates or time period of this request is between January 1, 2008 through January 1, 2011.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Assistant United States Attorney" for the Northern District of Oklahoma.

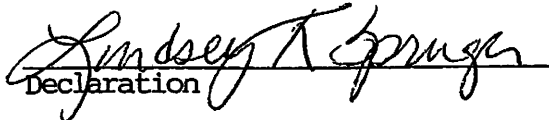
My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 8, 2015 I deposited the above Freedom of Information Act Request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to FOIA/PA Mail Referral Unit at the address listed above.

  
Declaration

To: Danny C. Williams, Sr.  
United States Attorney Office  
110 West 7th St., Suite 300  
Tulsa, Oklahoma 74119-1013

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

Dear Mr. Williams:

This is my Freedom of Information Act request under 5 U.S.C. §§ 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Jeffrey A. Gallant to represent the United States of America pursuant to 28 U.S.C. §§ 542, 543, and 547(1)

The dates or time period of this request is between January 1, 2010 and January 1, 2015

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Assistant United States Attorney for the Northern District of Oklahoma"

My request is also limited to such authorization and/or appointment of Jeffrey A. Gallant in and for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

  
DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1) under the laws of the United States of America that on January 2, 2015 I deposited the above Freedom of Information Act request in the U.S. Mailbox inside Federal Satellite Low-La Tuna Federal Prison to Mr. Williams and his Office at the address listed above under his name.

  
Declarant

EXHIBIT 26 - 1 of 1

To: FOIA/PA Mail Referral Unit  
Justice Management Division  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington D.C. 20530-0001

From: Lindsey Kent Springer  
Reg. # 02580-063  
Federal Satellite Low-La Tuna  
P.O. Box 6000  
Anthony, New Mexico 88021

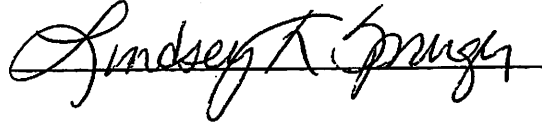
This is my Freedom of Information Act request under 5 U.S.C. § 552 and 552(a), and my agreement to pay costs associated herewith in obtaining information and any documentation pertaining to or showing the authorization and/or appointment of Jeffrey A. Gallant to represent the United States of America pursuant to 28 U.S.C. §§ 542, 543 547.

The dates or time period of this request is between January 1, 2010 through January 1, 2015.

In order to assist you in locating the requested documents I am aware that the subject named above has used the Title of "Assistant United States Attorney" for the Northern District of Oklahoma.

My date of birth is September 11, 1965.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.



DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on March 8, 2015 I deposited the above Freedom of Information Act Request in the U.S. Mailbox located inside Federal Satellite Low-La Tuna Federal Prison to FOIA/PA Mail Referral Unit at the address listed above.

  
Declaration

6005

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

(1) LINDSEY KENT SPRINGER,

Plaintiff,

vs.

Case No. 15-CV-142-JED-FHM

(1) UNITED STATES ATTORNEY FOR  
THE NORTHERN DISTRICT OF  
OKLAHOMA, Danny C. Williams, Sr.,  
Officially;

(2) UNITED STATES DEP'T OF JUSTICE,  
Eric D. Holder, Jr., Officially;

(3) EXECUTIVE OFFICE OF UNITED  
STATES ATTORNEYS, Susan B.  
Gerson, Officially;

(4) OFFICE OF INFORMATION POLICY,  
Sean R. O'Neill, Officially;

(5) DIVISION COUNSEL FOR FOIA AND  
PA MATTERS, Carmen M. Banerjee,  
Officially,

Defendants.

DECLARATION OF LINDA M. RICHARDSON

I, Linda M. Richardson, declare as follows:

1. I am currently an Administrative Services Assistant for the Department of Justice, Executive Office of U.S. Attorneys.

2. In this capacity, I serve as a liaison to the FOIA/PA staff for the Executive Office for United States Attorneys ("EOUSA") located in Washington, D.C. EOUSA FOIA/PA staff, in accordance with 28 C.F.R. § 16.3, processes and responds to FOIA/PA requests for all 94 United States Attorney's Offices ("USAO").

3. My duties include receiving and reviewing requests made pursuant to FOIA, 5 U.S.C. § 552, and the PA, 5 U.S.C. § 552a, for records maintained by or located in the Electronic

EXHIBIT 28 -- 1 of 5

Exhibit 2



Official Personnel Folders (eOPF) system. I am also responsible for conducting searches for records located in Personnel that are responsive to FOIA/PA requests.

4. The statements I make in this declaration are made on the basis of my personal knowledge, review of the official files and records of the EOUSA, and knowledge acquired by me through the performance of my official duties.

5. I am familiar with the procedures followed by EOUSA in conducting searches for records responsive to FOIA/PA requests. Also, I am familiar with the FOIA requests submitted by plaintiff, Lindsey Kent Spencer, (hereinafter referred to as "plaintiff") that were assigned FOIA Request Nos. 2015-01085, 2014-00473, and 2014-00169.

6. The purpose of this declaration is to provide the Court with information regarding my efforts to respond to plaintiff's FOIA requests. This declaration consists of: (1) relevant correspondence related to plaintiff's FOIA request; and (2) an explanation of the search for records responsive to the plaintiff's request.

#### **I. CORRESPONDENCE**

7. On January 9, 2015, I received by email from EOUSA a copy of FOIA Request No. 2015-01085 dated December 31, 2014 and January 2, 2015. Plaintiff sought to obtain information or documentation related to six individuals - Kenneth P. Snoke, Robert D. Metcalfe, Jeffrey A. Gallant, Charles A. O'Reilly, James C. Strong, and Thomas Scott Woodward. Specifically, plaintiff wanted information showing the authorization for the above-named individuals to represent the United States of America during various periods ranging from January 1, 2007, to January 1, 2015. I respectfully refer the Court to the documents for a true and accurate statement of the FOIA request contents.

8. On April 23, 2014, I received by email from EOUSA a copy of FOIA Request No. 2014-00473 dated October 9, 2013. Plaintiff sought to obtain information and any documents that pertain to the appointment of Charles A. O'Reilly as a "Special Assistant United States Attorney" during the period between June 1, 2009, and September 10, 2013. I respectfully refer the Court to the documents for a true and accurate statement of the FOIA request contents.

9. On February 4, 2014, I received by email from EOUSA a copy of FOIA Request No. 2014-00169 dated October 9, 2013. Plaintiff sought to obtain "information and any documents pertaining to the appointment of Thomas Scott Woodward as the United States Attorney for the Northern Judicial District of Oklahoma." I respectfully refer the Court to the documents for a true and accurate statement of the FOIA request contents.

## II. ADEQUACY OF THE SEARCH

10. In order to determine whether responsive records existed for the individuals identified in FOIA Request Nos. 2015-01085, 2014-00473, and 2014-00169, I conducted a search of the eOPF. The eOPF provides electronic, web-enabled access for all Federal agency personnel to view and manage employment documents. eOPF includes security measures that ensure the integrity of the system and employee documents in the system.

11. Additionally, I conducted a search of DOJ's Microsoft Outlook Office, Global Address Book, Global Address Listings (GAL). GAL is a database within the Microsoft Exchange Server account that contains the names and email addresses, among other things, of every employee within DOJ.

12. The searches produced records that consist of the following:

- a. Appointment Affidavits of Thomas Scott Woodward dated May 25, 2010
- b. Appointment Affidavits of Jeffrey A. Gallant dated November 17, 2006

13. Initially I was unable to locate any information related to Kenneth P. Snoke, Robert D. Metcalfe, Charles A. O'Reilly, and James C. Strong. The absence of information in the eOPF and GAL indicated to me that the individuals were not employed by the USAO/NDOK at the time of the search.

14. On July 23, 2015, my office contacted USAO/NDOK staff to determine whether Appointment Affidavits existed for Mr. O'Reilly or any of the other individuals for whom I was unable to locate information. After searching the records, a staff member from the SAUSA Program located a copy of Mr. O'Reilly's Appointment Affidavits. Apparently, Mr. O'Reilly was appointed by the U.S. Attorney for NDOK for a limited purpose not to exceed January 5, 2016. I received a copy of Mr. O'Reilly's Appointment Affidavits from USAO/NDOK on July 23, 2015 and immediately forwarded a copy to EOUSA/FOIA staff.

15. As previously stated, EOUSA FOIA/PA staff located in Washington, D.C. review, process and make determinations on all requests for access to records located in the 94 United States Attorney's offices in accordance with FOIA, PA and the United States Department of Justice's regulations. *See* 28 C.F.R. §§ 16.3 *et seq.* and 16.40 *et seq.*

16. In accordance with that procedure, on February 4, 2014, I electronically scanned the records that had been located at that time into the EOUSA FOIA/PA database system for review by EOUSA FOIA/PA staff.

17. All systems of records located within eOPF that were likely to contain records responsive to plaintiff's requests have been searched. The searches were reasonably calculated to uncover all records responsive to plaintiff's requests.

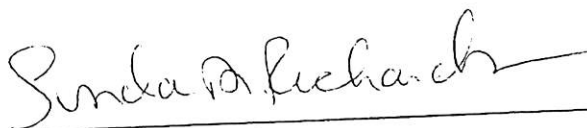
18. I am not aware of any other locations within EOUSA where any other records that might be responsive to plaintiff's requests are likely to be located. Furthermore, I am not aware



of any other method or means by which a further search could be conducted that would likely uncover additional responsive records.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed this 30<sup>th</sup> day of July, 2015.



Linda M. Richardson  
Administrative Services Assistant  
United States Department of Justice  
Executive Office for United States Attorneys



